**Regulatory provisions of the Chair's text of the WHO Convention**

The following table shows text related to harm reduction included in the January 2001 text of the WHO Framework Convention on Tobacco Control. ASH's comments circulated to delegates are on in the right hand column. Further details – including a commentary on the whole text – are available at www.ash.org.uk/?international

| Chair's text | ASH comment |
|---|---|
| **G. Non-price measures to reduce the demand for tobacco** | |
| 1. Each Party shall, to the extent possible within the means at its disposal and its capabilities, adopt legislative, executive and administrative measures, and cooperate with other Parties in harmonizing appropriate non-price policies, in order to reduce tobacco consumption and exposure to tobacco smoke. Such measures and policies shall include the following:<br>[...] | 1. Each Party shall adopt legislative, executive and administrative measures, and cooperate with other Parties in developing effective non-price policies, in order to reduce tobacco consumption and exposure to tobacco smoke. Such measures and policies shall include the following:<br><br>***[harmonizing policies may be counter-productive - the aim should be to promote best practice and 'leapfrogging']*** |
| ***(Regulation of contents of tobacco products)***<br>(b) adoption of standards for the regulation of the contents of tobacco products, including standards for testing and measuring, designing, manufacturing and processing such products, and cooperation in the development and harmonization of such standards under the auspices of the World Health Organization; | ***(Regulation of tobacco products)***<br>(b).i. Parties shall take measures to reduce the harm associated with continued tobacco or nicotine use by the following means:<br><br>a) adoption of standards for the regulation of the contents of tobacco products, including standards for testing and measurement, design, manufacturing and processing, permitted toxicity, smoke composition, and ingredients;<br><br>b) adoption of standards or regulatory mechanisms to assess the public interest and public health consequences of **marketing claims** made for reduced risk, safety or any other direct or indirect claims made for tobacco products that have the aim or effect of promoting benefits.<br><br>c) the preparation of a protocol on tobacco product regulation to define and implement best practice in the setting of such standards.<br><br>***Harmonisation is not appropriate in this area as it would tend to constrain best practice***<br><br>***There are two regulatory challenges - the product standards applied to require reduced risk, and the communication of risk to the consumer. The use of ISO standards has not so far served the cause of public health at all well and involvement of the tobacco-industry dominated ISO, which has no public health mandate, should be subordinate to the WHO.*** |



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| Chair's text | ASH comment |
|---|---|
| | ii. Parties shall co-operate under the auspices of the World Health Organisation and with involvement if appropriate of the International Standards Organisation, to share best practice and develop and promote standardised evidence-based methodologies for assessing the harmfulness of tobacco products for the purpose of:<br><br>a) Providing meaningful risk communication to consumers and health professionals<br><br>b) Defining criteria that would assist Parties in the public health regulation of tobacco products under section (i).<br><br>iii. Costs arising in achieving and demonstrating compliance with regulation in para (i) and (ii) shall be borne by the tobacco product manufacturer. |
| ***(Regulation of tobacco-product disclosures)***<br>(c) implementation and taking of necessary steps to enforce measures for tobacco-product disclosures by all manufacturers, including all ingredients and additives, and major constituents of tobacco smoke, and promotion of availability of such information to the public. Each Party shall apply these measures to all tobacco products manufactured or sold under its jurisdiction; | ***(Regulation of tobacco-product disclosures)***<br>(c).i. Parties shall ensure consumers and public health bodies have access to appropriate tobacco product disclosures, including ingredients, additives, smoke constituents, design, manufacturing and processing of tobacco products;<br><br>ii. Costs arsing in creating and disseminating disclosures shall be borne by the tobacco product manufacturer.<br><br>iii. Parties shall co-operate to share disclosure information and reduce administrative and regulatory costs.<br><br>***[The burden of collecting data and presenting it in meaningful form etc may be too great for some countries – so a regional or multilateral approach may be most efficient.]*** |
| ***(Packaging and labelling)***<br>(d) adoption of appropriate measures to ensure that: | ***(Packaging and labelling)***<br>(d) ***Agree*** |
| (i) the terms "low tar", "light", "ultra light", "mild" or any other similar term that has the aim or the direct or indirect effect of conveying the impression that a particular tobacco product is less harmful than others are not used on any unit packet or package of tobacco products; | ***Agree*** |
| (ii) tobacco packaging and labelling does not otherwise promote a tobacco product by any means that are false, misleading or deceptive or that are likely to create an erroneous impression about its characteristics, health effects, hazards or emissions; | ***Agree*** |
| (iii) each unit packet or package of tobacco products carries the statement and product information specified in Article [Measures Related to the Supply of Tobacco]; | |
| (iv) each unit packet or package of tobacco products carries a general health warning, including a picture or pictogram illustrating the harmful consequences of tobacco consumption, in accordance with Annex [INSERT]; these warnings shall: | Each Party shall require that each unit packet or package of tobacco products carry a health warning, a message discouraging smoking, or other mandatory message such that the messages: |
| (1) clearly indicate the prohibition of sales of tobacco products to persons under the age of 18; | ***Delete – tobacco industry position aimed at increasing the 'adult' appeal of the product.*** |



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| Chair's text | ASH comment |
|---|---|
| (2) provide clear information about the toxic contents of the tobacco product, specifically tar, nicotine and carbon monoxide, including actual measurements of smoke yields; | Provide clear communication of risks, hazards and costs associated with tobacco product use with the aim of discouraging tobacco use; including qualitative communication, and where appropriate, relevant and quantitative data where this serves to improve communication of risk.<br><br>***[The existing system of using 'yields' to communicate risk or consumer information is highly misleading – as they do not account for realistic smoking behaviour which modifies to control exposure to nicotine. Tar and CO are not part of the 'contents' but products of combustion. It would be wrong to codify this highly flawed system into the FCTC.]*** |
| (3) appear in the principal language or languages of the country in whose territory the product is placed on the market. | ***Agree*** |
| | Are in an area covering not less than 50% of the exterior of the package; and<br>***New para specifying space to given to warnings.*** |
| | Include pictures or pictograms for at least some messages.<br>***Use of pictures should be mentioned as best practice.*** |



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